

Dealing with domestic violence in divorce proceedings

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Domestic violence. In the context of divorce proceedings, these notorious words too often either fly under the radar or are misunderstood and improperly handled. This highlights the importance of training for those who work in the legal system to recognize the signs of domestic violence, especially since it is a factor that may not present apparent evidence such as physical injuries.

At a recent Family Law lunch-and-learn, Oklahoma Court of Civil Appeals Judge Barbara Swinton presented on the topic of domestic violence. The first question raised was, "Can we please call it something else, like domestic terrorism or domestic abuse?"

This question raises an excellent point, as not all domestic violence is physical. Emotional abuse, for example, rises to the level of domestic violence and is a consideration at hearings on victim protection orders and divorce hearings. Think along the lines of stalking, such as placing a GPS tracking device in an ex-spouse's vehicle. This activity could be considered domestic violence and can amount to one spouse being banned from visitation privileges with minor children.

Many of the judges across the state of Oklahoma already participate in domestic violence training. Attorneys can also receive similar training with the Oklahoma Guardian ad Litem

Institute. As a result of proper training, attorneys and judges are able to properly recognize the signs and get those experiencing divorce the appropriate care and treatment they need.

This need for clarity about domestic violence also applies to clients, many of whom are unaware of the helpful and free services of Palomar, located in Midtown Oklahoma City, or of the YWCA. Both of these organizations offer victim services and resources and can provide an advocate to appear in the courtroom to protect victims of domestic violence.

Further, for attorneys representing perpetrators of domestic violence, those clients also benefit from help and guidance. For such persons, there are batterer's intervention programs across the state that provide assessment and counseling services.

Family law attorneys often find themselves on both ends of the spectrum – sometimes representing a victim and other times a perpetrator. Therefore, it is vital to the safety, well-being and mental health of clients to be able to recognize signs of domestic violence. The better Oklahoma's attorneys become at recognizing the signs of domestic violence – even those that are not physical in nature – the better we can help our clients and community.